

## **REMARKS/ARGUMENTS**

This paper is being provided in response to the June 20, 2008 Office Action for the above-referenced application. In this response, Applicant has canceled Claims 1-13 and 28-31 and amended Claims 14, 15, 23, 24, 27, and 32-45 in order to clarify that which Applicant deems to be the claimed invention. Applicant respectfully submits that the amendments to the claims are all supported by the originally filed application.

The Office Action indicates that Claims 28-31 were previously improperly restricted to Group II and that the originally filed claims are actually directed to three claim groupings (Group I: Claims 1-13; Group II: Claims 14-27 and 32-45; Group III: Claims 28-31) subject to restriction rather than the previously specified two groups (Group I: Claims 1-13; Group II Claims 14-45). Applicants previously elected Group II consisting of Claims 14-45. In light of the newly specified three claim groupings and as requested in the Office Action, Applicant affirms the election to Group II now consisting of Claims 14-27 and 32-45 (as examined). Applicant notes that page 7 of the Office Action indicates that Group II consists of Claims 14-27 and 32-35 which appears to be in error and that Group II now consists of Claim 14-27 and 32-45 as examined in the Office Action. Accordingly, Applicant has affirmed the election with respect to Claims 14-27 and 32-45.

Applicant gratefully acknowledges the Examiner's indication of the allowability regarding the subject matter of Claims 15 and 24-27 if rewritten in independent form including all limitations of the base claim and any intervening claims. In accordance with remarks set forth in the Office Action, Applicant has amended Claims 15, 24 and 27 to place Claims 15, 24 and 27 in independent form in accordance with remarks set forth in the Office Action.

Accordingly, Claims 15, 24 and 27 are now in condition for allowance. Claims 25 and 26 depend from Claim 24 and are therefore deemed to be allowable for at least the same reasons as independent Claim 24. Thus, Claims 25 and 26 are also now in condition for allowance.

Applicant gratefully acknowledges the Examiner's indication of allowability regarding the subject matter of Claim 23 if rewritten to overcome the rejection under 35 U.S.C 112, second paragraph, and to include the limitation of the base claim and any intervening claims. As noted in remarks below, Claim 23 has been amended herein to address the rejection under 35 U.S.C. 112, second paragraph, and also place Claim 23 in independent form in accordance with remarks of the Office Action. Accordingly, Claim 23 is also now in condition for allowance.

The rejection of Claims 23 and 40 under 35 U.S.C. 112, second paragraph, is hereby traversed and reconsideration thereof is respectfully requested. Applicant notes that the Office Action indicates that this rejection is applied to Claim 40. This appears to be in error in that Claim 41, rather than Claim 40, recites "said multiple control panels". As such, Applicant has addressed this rejection as applied to Claims 23 and 41 and Applicant has amended Claims 23 and 41 in accordance with remarks set forth in the Office Action. In view of the foregoing, Applicant requests that the rejection be reconsidered and withdrawn.

The rejection of Claims 32-45 under 35 U.S.C. 101 as being directed to non-statutory subject matter is hereby traversed and reconsideration thereof is respectfully requested. Applicant has amended Claims 32-45 herein so that Claims 32-45 are now directed to a computer readable medium. In the event that this rejection is maintained, Applicant respectfully requests that the Examiner specify what further amendments are needed to overcome this

rejection. In view of the foregoing, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

The rejection of Claims 14, 16-23, 32 and 34-41 under 35 U.S.C. § 102(e) as being unpatentable over Pickell (U.S. Patent No. 7,222,256, hereinafter referred to as "Pickell") is hereby traversed and reconsideration thereof is respectfully requested. Applicant notes that page 10 of the Office Action indicates that this rejection is applicable to Claim 23 and appears to be in error in that Claim 23 is noted in the Office Action as being directed to allowable subject matter. As such, Applicant has addressed this rejection as not being applied to Claim 23.

Claim 14, as amended herein, recites a method of controlling a show comprising: sending messages between a control panel and a computer system over a primary communication connection to control one or more devices; monitoring said primary communication connection to determine if said computer system is unavailable for communicating with said control panel; and in response to determining that said computer system is unavailable, using a backup communication connection to control said one or more devices during said show, wherein said backup communication connection from said control panel is used to control said one or more devices without communicating with said computer system. Claims 16-22 depend from Claim 14.

Claim 32, as amended herein, recites a computer readable memory comprising code stored thereon for controlling a show, the computer readable medium comprising code that:

sends messages between a control panel and a computer system over a primary communication connection to control one or more devices; monitors said primary communication connection to determine if said computer system is unavailable for communicating with said control panel; and in response to determining that said computer system is unavailable, uses a backup communication connection to control said one or more devices during said show, wherein said backup communication connection from said control panel is used to control said one or more devices without communicating with said computer system. Claims 34-41 depend from Claim 32.

Pickell relates to networked safety systems, and more particularly to a system, apparatus, and method for monitoring and controlling selection of redundant LAN communication links in response to total or limited failures of the active communication links in a networked safety system. (Col. 1, Lines 9-14). Pickell's Figure 1 includes devices 102, control panels 104A-104C, LAN interface 108, primary communication link 116, one or more redundant communication links 118A, 118B, a communication link redundancy module 124, a hub 120, and a central processing system 106. (See generally Col. 4, Line 57-Col. 6, Line 18 and Figure 1). Pickell discloses that the redundant communication links enhance communication integrity between the control panel 104A, 104B, etc. (and/or devices 102) and the central processing system 106 through monitoring, control, and selection of the appropriate communication links 116, 118A between the LAN interface 108 and the central processing system 106. The interface circuit 110, terminal server 112, and master communication link redundancy module 114 in one embodiment described in Pickell provide this monitoring, control, and selection of the appropriate communication link to a slave communication link redundancy module 124 and ultimately to the central processing system 106. (Col. 5, Lines 5-12). The redundant connections (e.g., including

the primary 116 communication link and one or more redundant 118A, 118B communication links) enable continued communications in the event of a failure of any one of the communication links. In one embodiment, the interface circuit 110 monitors the condition of the LAN via a control signal(s) from the terminal server 112. If a short circuit between any one or more signal paths of the communication link occurs on the currently-active Ethernet communication link, or an open circuit of any of the signal paths occurs on the currently-active Ethernet communication link, the control signal from the terminal server 112 will indicate such a short or open circuit condition. This signal from the terminal server 112 is recognized by the interface circuit 110, which in turn controls the communication link backup module 114 to switch the connection to another communication link, thereby maintaining the LAN connection. The ability to recognize any short or open circuit condition of any of the signal paths associated with the LAN connection, and to appropriately select a redundant communication link in response thereto, provides reliability for the LAN connection as a whole. Embodiments of the invention that provide such redundant communication links for any such short and open signal path condition advantageously complies with respective requirements of the UL standard 864 (Col. 6, Line 54-Col. 7, Line 12).

Applicant's Claim 14, as amended herein, is neither disclosed nor suggested by Pickell in that Pickell does not disclose or suggest at least the features of *a method of controlling a show comprising: ... in response to determining that said computer system is unavailable, using a backup communication connection to control said one or more devices during said show, wherein said backup communication connection from said control panel is used to control said one or more devices without communicating with said computer system*, as set forth in Claim 14.

Based on remarks set forth in the Office Action, the Office Action contends that Pickell's control panel 104A, central processing system 106, primary communication link 116, one or more redundant communication links 118A118B, and devices 102 are, respectively, analogous to the control panel, computer system, primary communication connection, backup communication connection, and one or more devices as recited in Claim 1. Pickell's primary and redundant communication links are used in connecting the control panel 104A to the central processing system 106 as illustrated in Pickell's Figure 1. As pointed out above, Pickell's redundant connections are used in maintaining the connection to the LAN interface such as from the central processing system. As such, Pickell's redundant links 118A, 118B are not used to control the devices without communicating with the computer system as recited in Applicant's amended Claim 14.

For at least these reasons, Applicant respectfully submits that Pickell does not disclose or suggest at least the foregoing recited features of Applicant's amended Claim 14. Claims 16-22 depend from Claim 14 and are also neither disclosed nor suggested by Pickell for at least the same reasons as Claim 14. Claim 32 recites features similar to those pointed out above which are recited in Claim 14 and are also neither disclosed nor suggested by Pickell. Thus, Claim 32 is not disclosed or suggested by Pickell for reasons similar to those set forth above regarding Claim 14. Claims 34-41 depend from Claim 32 and are also neither disclosed nor suggested by Pickell for at least the same reasons as Claim 32.

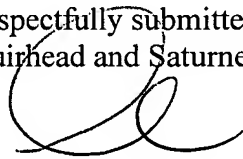
Applicant notes that dependent Claims 33 and 41-45 recite features similar to those as recited in Claims 15 and 23-27 which the Office Action indicates as being directed to allowable

subject matter. Thus, Applicant respectfully submits that features set forth in Claims 33 and 41-45 are also directed to allowable subject matter so that Claims 33 and 41-45 should also be allowable if rewritten in independent form in a manner similar to that as Claims 15 and 23-27 and if any other rejections/objections are overcome.

In view of the foregoing, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Based on the above, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8604.

Respectfully submitted,  
Muirhead and Saturnelli, LLC



---

Anne E. Saturnelli  
Reg. No. 41,290

Muirhead and Saturnelli, LLC  
200 Friberg Parkway, Suite 1001  
Westborough, MA 01581  
Tel: (508) 898-8601  
Fax: (508) 898-8602

Date: November 10, 2008